

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH STANLEY PIGOTT,

Plaintiff,

v.

HEATHER WINSLOW BARR, et al.,

Defendants.

Case No. C19-1489 RSM

ORDER REVOKING IN FORMA
PAUPERIS STATUS

This matter comes before the Court on a referral from the Ninth Circuit Court of Appeals to determine whether in forma pauperis (“IFP”) status should continue on appeal. Dkt. #48. *Pro se* Plaintiff Joseph Stanley Pigott was granted leave to proceed *in forma pauperis* in this matter on October 25, 2019. Dkt. #32.

The Complaint was posted on the docket that same day. Dkt. #33. On October 28, 2019, the Court issued an Order to Show Cause directing Mr. Pigott to “write a short and plain statement telling the Court: (1) facts to support his R.I.C.O. claim and claim that Defendants violated a treaty as to him personally in the divorce proceedings, (2) why this case is not properly brought as an appeal within the state court system, and (3) why this case should not be dismissed as frivolous.” Dkt. #40. The response was due within 21 days, in other words it was

1 due no later than November 18, 2019. The Court warned that failure to file this response will
2 result in dismissal of this case. Mr. Pigott failed to file a timely response.

3 Mr. Pigott's untimely Response, filed on November 19, 2019, was reviewed by the
4 Court. Mr. Pigott did not substantively address the Court's questions. Instead, Mr. Pigott
5 reiterated the baseless claim that he is King of Morocco, personally has a treaty with the United
6 States, and speaks "from the Court of Morocco, which is my Court and the Court you MUST
7 PROTECT, pursuant to the Article 6 of the U.S. Constitution paragraph 2 & 3." Dkt. #43 at 2
8 (emphasis in original). Although Mr. Pigott is a plaintiff seeking relief from this Court, Mr.
9 Pigott repeatedly indicated a total lack of respect for this Court's authority. For example, he
10 stated: "Moors Don't Take Orders, they give Orders, because the land belongs to us to rule;"
11 "[t]his whole Court System is a made up Court System, by the Scallywags and the
12 Carpetbaggers;" "Non [sic] of your Courts operates with Moslem Law, only Treasonous
13 Statutes etc., you are bound to know to do your job, however, you MUST BE A NOBLE to use
14 any Court, because only a Noble can use this WILL;" "I SELF LAW AM
15 MASTER/I.S.L.A.M., AND I, King Abdul Mumin El, IS YOUR MASTER AND RULER
16 OVER MY DOMINIONS;" "Judge Ricardo Salazar Martinez, you are a Servant, and you don't
17 have Authorization to make an Order over My COURT ORDERED TRUST, to make me
18 SHOW CAUSE FOR ANYTHING;" and "[y]our job is to carry out my Orders, when I bring
19 problems to My Court." Dkt. #43 (emphasis in original). The Court concluded that Mr. Pigott
20 failed to explain why he has not brought his concerns with the underlying state court action as a
21 direct appeal within the state court and has failed to explain why his claims are not frivolous.
22 Dkt. #44.
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1 In this case, Mr. Pigott's sued his ex-wife Heather Winslow Barr and several attorneys
2 involved with divorce proceedings in King County Superior Court. Dkt. #33. He claims that
3 the divorce proceedings violated the Moorish American Treaty of Peace & Friendship of 1787
4 as well as R.I.C.O. laws and that he is actually King Abdul Mumin El of Morocco. *Id.* Mr.
5 Pigott pleaded that Defendants owe him "over \$60,000,000.00 for OBSTRUCTION OF
6 JUSTICE..." *Id.* at 6 (emphasis in original). He alleged that "Attorney Barbara Linde
7 pretended to be a Judge" and that he "demanded that the case for Divorce be had in an U.S.
8 Constitution Article III Moroccan Court, because I am a Moor/Noble and there are no Official
9 Judicial Bonds for the Judges & Oaths of Offices are void." *Id.* He goes on to challenge the
10 procedures of the divorce proceedings, including that the judge refused to recuse herself, that
11 she "just stop listening to me and started talking to Heather Barr and was asking Heather to
12 testify against me," and that Ms. Barr's attorneys had a conflict of interest and engaged in
13 treason. *Id.* at 7. He alleged that Ms. Barr improperly informed the divorce court of a lis
14 pendens action against Mr. Pigott's property, and that his property is being stolen from him.
15 Allegedly at the hearing three attorneys admitted to being at war with the Moors and working
16 for the Ku Klux Klan. *Id.* at 9. Mr. Pigott alleged that Defendants have used King County
17 Superior Court as a "war machine." *Id.* at 11.

21 The Court did not see a basis for subject matter jurisdiction in this matter and found that
22 the U.S. Constitution and R.I.C.O. claims rest on facts that are entirely frivolous, warranting
23 dismissal. Dkt. #44 (citing 28 U.S.C. § 1915(e)(2)(B)).

25 Where, as here, a party was permitted to proceed IFP in the District Court, the party
26 may proceed on appeal in forma pauperis without further authorization unless the District Court
27 certifies in writing that the appeal is not taken in good faith or that the party is not otherwise
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1 entitled to proceed IFP. Fed. R. App. P. 24(a)(3); 28 U.S.C. § 1915(a)(3) (“An appeal may not
2 be taken in forma pauperis if the trial court certifies in writing that it is not taken in good
3 faith.”). An appeal is taken in “good faith” where it seeks review of at least one issue or claim
4 that is found to be “non-frivolous.” *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th
5 Cir. 2002). An issue is “frivolous” where it “lacks an arguable basis either in law or in fact.”
6 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Legally frivolous claims are those “based on an
7 indisputably meritless legal theory,” such as claims against defendants who are immune from
8 suit or for infringement of a legal interest that clearly does not exist. *Id.* at 327.
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10 The instant case was dismissed after careful review of Mr. Pigott’s Complaint
11 and his Response to the Order to Show Cause. For the reasons set forth above, the Court
12 believes that any appeal of this ruling necessarily lacks an arguable basis in law or in fact.
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14 This Court cannot find that Plaintiff’s appeal has been taken in good faith. The Court
15 maintains that, by its assessment of the Complaint, Plaintiff’s claims are clearly frivolous.
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17 Accordingly, the Court hereby FINDS AND ORDERS that Plaintiff’s in forma pauperis
18 status is REVOKED.

19 DATED this 4th day of December, 2019.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE
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